



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,950	06/23/2000	Pawel Rej	169.1753	8958

5514 7590 07/14/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,950

Applicant(s)

REJ, PAWEL

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/24/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-15,17-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-15,17-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 06/24/05.
2. Claims 1-3, 5-7, 9-15, 17-19, and 21-26 are pending. Claims 1, 7, 13, 19, 25, and 26 are independent claims.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/05 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-3, 5-7, 9-15, 17-19, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kothuri et al., US 6,505,205, 01/2003 (filed 1/3/02, continuation 5/29/99).

In reference to claims 1, 7, 13, 19, 25, and 26, Kothuri teaches a method of creating a split tree from a set of multi-dimensional data items. Kothuri's system comprises the following steps:

-Taking a set of multi-dimensional data items by recursively dividing the data items into smaller clusters until each cluster can be stored in a single leaf node of a hierarchical (tree-structured) index. If a set of data items or a subset thereof is too large to fit in a single leaf node, a suitable dimension attribute in which to divide the data items is selected. Compare to ***“determining which of a plurality of nodes fit into a target area”***. See column 3, lines 30-40.

-Determining whether the number of data items is greater than the node capacity. See figure 5. Compare to ***“setting one of the plurality of nodes as a current node for said galley target; comparing the size of the current node with available space in the target area”***.

-If the node capacity is not greater than the number of data items, then clustering the data items into separate leaf nodes. See figure 5. Compare to ***“if the size of the current node is not greater. . .fits into the target area”***

-If the node capacity is greater than the number of data items, then determining the variance in each data dimension, selecting the data dimension with the greatest variance, sorting data items in the selected dimension, dividing data into two or more subsets, calculating the number of data items in each subset and determining if the data items in any subset is greater than the node capacity. If it is not greater, clustering the data items into separate leaf nodes. If it is greater then selected a subset having more data items than the node capacity and repeated the steps of determining the variance . . .calculating the number of data items in each subset again. See figure 5. Compare to ***“if the size of the current node is greater. . .sub-steps of: determining whether***

the current node is a parent node, setting one . . .at least one child node; and recursively executing steps (a2) to (a4) with respect to the new current node”.

Kothuri does not state “marking the nodes that fit into said target area with a mark specific to the target area so as to create a split tree in which nodes belonging to each tree fragment are identified by a common mark, and wherein said split tree represent the input tree and at least one tree fragment obtained by splitting the input tree”; however, Kothuri does teach that the first object in a database where the R-tree index is stored is configured to store information concerning the index (its dimensionality, fanout) and an identifier (an address, unique node identity) of a root node of the index. Kothuri also teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. See column 3-4. These identifiers are similar to the claimed “marks” as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25. Since Kothuri teaches using an identifier for the nodes in the galley target, it would have been obvious to one of ordinary skill in the art at the time of the invention to “mark” the nodes as a mark is simply a means for identification which is disclosed by Kothuri. A person of ordinary skill in the art at the time of the invention would understand that an identification of a “root node”, as disclosed by Kothuri, is equivalent to a recognizing a tree fragment as a root node is used to indicate the start of a fragment. Thus Kothuri’s marking of the nodes with a unique identifier serves the same purpose as the claimed invention’s

marking of nodes to create a split tree in that it identifies the root or start of a new tree fragment.

In reference to claim 2, 14, and 22, Kothuri does not teach checking to see if a start node has been marked; however, he does teach associating an identifier indicating a unique node identity of the root node. See column 3. The information also indicates the fanout and dimensionality of the node, thus indicating whether there is a child node. Furthermore, Kothuri teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. See column 3-4. These identifiers are similar to the claimed "marks" as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25.

In reference to claim 9, Kothuri teaches that the first object in a database where the R-tree index) is stored is configured to store information concerning the index (its dimensionality, fanout) and an identifier (an address, unique node identity) of a root node of the index. Kothuri also teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. These identifiers are similar to the claimed "marks" as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25. Since Kothuri teaches uses an identifier for the nodes in the galley target, it would have been obvious to one of ordinary skill in the art at the time of the invention to "mark" the nodes as a mark is simply a means for identification which is disclosed by Kothuri. Kothuri further teaches

that if a leaf node is chosen to receive a new data item that would exceed its capacity, there are two or more subsets created where data items are clustered into separate leaf nodes.

In reference to claims 3 and 15, Kothuri teaches that update operations traverse an R-tree to carry out the addition/removal of data items and the R-tree index is updated to reflect any modifications. See column 16, lines 5-16.

In reference to claims 5, 10-11, 17, and 23, Kothuri teaches that the first object in a database where the R-tree index) is stored is configured to store information concerning the index (its dimensionality, fanout) and an identifier (an address, unique node identity) of a root node of the index. Kothuri also teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. These identifiers are similar to the claimed "marks" as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25. Since Kothuri teaches uses an identifier for the nodes in the galley target, it would have been obvious to one of ordinary skill in the art at the time of the invention to "mark" the nodes as a mark is simply a means for identification which is disclosed by Kothuri. Kothuri further teaches that if a leaf node is chosen to receive a new data item that would exceed its capacity, there are two or more subsets created where data items are clustered into separate leaf nodes.

In reference to claims 6 and 18, Kothuri teaches that the root node has an identifier that indicates the dimensionality and fanout of that node. See column 3.

In reference to claims 12 and 24, Kothuri teaches that the first object in a database where the R-tree index) is stored is configured to store information concerning the index (its dimensionality, fanout) and an identifier (an address, unique node identity) of a root node of the index. Kothuri also teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. These identifiers are similar to the claimed "marks" as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25. Since Kothuri teaches uses an identifier for the nodes in the galley target, it would have been obvious to one of ordinary skill in the art at the time of the invention to "mark" the nodes as a mark is simply a means for identification which is disclosed by Kothuri. Kothuri further teaches that if a leaf node is chosen to receive a new data item that would exceed its capacity, there are two or more subsets created where data items are clustered into separate leaf nodes.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-7, 9-15, 17-19, and 21-26 have been considered but are not persuasive.

Applicant argues Kothuri creates a tree structure from a set of data but does not operate on an input tree. Examiner disagrees as Kothuri teaches taking a set of multi-dimensional data items by recursively dividing the data items into smaller clusters until each cluster can be stored in a single leaf node of a hierarchical (tree-structured) index. This is the same as operating on an input tree.

Applicant further argues Kothuri does not teach splitting the tree structure into tree fragments or maintaining the structure of the input tree. Kothuri teaches taking a set of multi-dimensional data items by recursively dividing the data items into smaller clusters until each cluster can be stored in a single leaf node of a hierarchical (tree-structured) index. If a set of data items or a subset thereof is too large to fit in a single leaf node, a suitable dimension attribute in which to divide the data items is selected. Kothuri teaches determining whether the number of data items is greater than the node capacity. See figure 5. If the node capacity is not greater than the number of data items, then clustering the data items into separate leaf nodes. See figure 5. If the node capacity is greater than the number of data items, then determining the variance in each data dimension, selecting the data dimension with the greatest variance, sorting data items in the selected dimension, dividing data into two or more subsets, calculating the number of data items in each subset and determining if the data items in any subset is greater than the node capacity. If it is not greater, clustering the data items into separate leaf nodes. If it is greater then selected a subset having more data items than the node capacity and repeated the steps of determining the variance . . . calculating the number of data items in each subset again. See figure 5. See rejections above. Kothuri does not state "marking the nodes that fit into said galley target with a mark specific to the galley target so as to create a split tree in which each tree fragment is identified by a respective mark, and wherein said split tree represent the input tree and at least one tree fragment obtained by splitting the input tree"; however, Kothuri does teach that the first object in a database where the R-tree index is stored is configured to

store information concerning the index (its dimensionality, fanout) and an identifier (an address, unique node identity) of a root node of the index. Kothuri also teaches that the second object can consist of a unique identifier of the corresponding node, an identifier of the parent node, sibling node, and a measure of the number of children in the node. See column 3-4. These identifiers are similar to the claimed "marks" as they are specific to the galley target and are used to create a split tree. See column 22, figure 5, and columns 24-25. Since Kothuri teaches using an identifier for the nodes in the galley target, it would have been obvious to one of ordinary skill in the art at the time of the invention to "mark" the nodes as a mark is simply a means for identification which is disclosed by Kothuri. A person of ordinary skill in the art at the time of the invention would understand that an identification of a "root node", as disclosed by Kothuri, is equivalent to a recognizing a tree fragment as a root node is used to indicate the start of a fragment. Thus Kothuri's marking of the nodes with a unique identifier serves the same purpose as the claimed invention's marking of nodes to create a split tree in that it identifies the root or start of a new tree fragment.

Applicant argues Kothuri's identifiers are not comparable with marks defined by the claimed invention. Applicant argues Kothuri does not teach marking the nodes with marks specific to each output area so that the input tree also represents the tree fragments without being split into the tree fragments. Applicant argues the identifiers disclosed by Kothuri provide a means for indexing association between separate nodes by specifying the parent and child nodes; whereas the marks of the present invention allow the input tree to represent one or more tree fragments while representing the input

tree itself. Kothuri's marking of the nodes with a unique identifier identifies both the root of a tree as well as the start of a new tree fragment. See column 22, figure 5, and columns 24-25 where Kothuri teaches the second object consists of a unique identifier of a corresponding node, an identifier of a parent node, sibling node, and a measure of the number of children in the node. The identifiers are similar to the claimed marks as they are specific to the galley target and are used to create a split tree. The identification of a root node is the start of a new tree fragment. Please see rejections above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/11/2005

Application/Control Number: 09/599,950

Page 11

Art Unit: 2176

RS

07/06/05

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/11/2005